

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Devon Thomas Lee Marion,

Plaintiff,

v.

Ohio State Highway Patrol, *et. al.*,

Defendants.

Case No. 2:21-cv-4153

Judge Michael H. Watson

Magistrate Judge Deavers

**ORDER**

On September 16, 2021, Magistrate Judge Deavers issued a Report and Recommendation ("R&R"), ECF No. 5, recommending that the Court dismiss Plaintiff's claims against Defendant Ohio State Highway Patrol, grant leave for Plaintiff to amend his claims against Defendant Micheal Williams, and transfer this action to the United States District Court for the Southern District of Ohio Western Division, Cincinnati, pursuant to 28 U.S.C. § 1406(a) or 1404. See ECF No. 5. In the R&R, Magistrate Judge Deavers notified the parties of their right to file objections to the R&R pursuant to 28 U.S.C. § 636(b)(1). R&R 8, ECF No. 5. She also specifically advised the parties that the failure to object to the R&R within fourteen days would result in a waiver of both the right to *de novo* review by the District Judge and the right to appeal the decision of the District Court adopting the R&R. *Id.*

The deadline for filing such objections has passed, and no objections were filed. Having received no objections, the R&R is **ADOPTED IN PART**. Plaintiff's

claims against Defendant Ohio State Highway Patrol are **DISMISSED WITH PREJUDICE**. Plaintiff's claims against Defendant Micheal Williams are **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an Amended Complaint against Defendant Micheal Williams only **WITHIN THIRTY DAYS**.

**IT IS SO ORDERED.**

*/s/ Michael H. Watson*  
**MICHAEL H. WATSON, JUDGE**  
**UNITED STATES DISTRICT COURT**